IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 951 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DHIRAJBHAI D MAKWANA

Versus

STATE OF GUJARAT

Appearance:

MS ANU S VERMA for Petitioner

M/S PATEL ADVOCATES for Respondent No. 1

MR RC KODEKAR, AGP for Respondent No. 2

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 07/02/2001

ORAL JUDGEMENT

#. This matter has been taken up for admission. Ms.Anu Varma, learned counsel for the petitioner and Shri RC Kodekar, learned AGP representing the respondents have been heard and the counter affidavit of the respondent

no.2 has also been examined.

#. It seems from the petition that the petitioner was appointed as Peon with the respondent. He was promoted by the authorities as Driver. Subsequently, through order dated 11-11-1998 Annexure-'D', the petitioner was reverted to the post of Peon. This order of reversion contained in Annexure-'D' is challenged.

#. In the course of hearing on admission, learned counsel for the petitioner suggests and requests that the petitioner may be permitted to file a representation before the respondent no.1 ventilating his grievance and the respondent no.1 may be directed to decide the representation of the petitioner through a speaking order. The suggestion is not opposed by the learned AGP.

#. As such, the petition is finally disposed of with direction that the petitioner shall move a representation to the respondent no.1 within two weeks from today, and on receipt of representation, the respondent no.1 shall decide the same through a speaking order within a period of one month thereafter and shall communicate the decision in writing by registered AD Post to the petitioner. No order as to cost.

February 7, 2001. [D.C. Srivastava, J.]

/sakkaf